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SUBJECT: DENMARK LOOKING TO STRENGTHEN CASE AGAINST PRO-PKK  
ROJ-TV

REF: COPENHAGEN 206

Classified By: Charge d'Affaires a.i. Terence McCulley, reasons 1.4 (b)  
and (d)

¶1. (S) In recent discussions, Danish government officials and the chief prosecutor in the case against PKK-affiliated Roj-TV underscored their determination to address that case according to Danish law, expressing frustration with the evidence produced so far and unwilling to predict when the station may be taken to court. Danish pledges to intensify efforts against Roj-TV -- among the measures offered Turkey for not blocking former PM Rasmussen's appointment as NATO secretary general -- have given additional impetus to the investigation while also prompting senior officials to tread carefully, to avoid the appearance of a quid pro quo (i.e., sacrificing freedom of speech in exchange for a high-level post). The Danes report, however, that they are pursuing "new angles" to the case and would welcome the opportunity to discuss them in greater detail with the anticipated U.S. counterterrorism delegation (among these "new angles" may be information developed through an informant and alternative approaches on broadcasting content and tax evasion).

Denmark: No Interference with Judicial Process  
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¶2. (S) Shortly after the NATO Strasbourg Summit at which Rasmussen secured his new post over Turkish objections, PM National Security Advisor Thomas Ahrenkiel emphasized to us the importance of resolving the Roj-TV issue through legal and intelligence channels. Ahrenkiel, who has stayed on as NSA to the new prime minister, signaled that his office wanted to avoid any suggestion of undue political pressure in the matter, and encouraged us to work directly with the chief prosecutor, Lise-Lotte Nilas. When pressed a few weeks later by visiting U.S. Ambassador to NATO Kurt Volker (reftel), Ahrenkiel acknowledged that he had not been keeping his Turkish counterpart informed about the case, but (reluctantly, it seemed) agreed to do so in light of growing Turkish concerns. The PM's office and the MFA remain wary of raising their profile on Roj-TV, concerned about the domestic political fallout and potential damage to the case itself.

Stymied on Content, Still Looking for PKK Links  
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¶3. (C) Prosecutor Nilas and Danish Security and Intelligence Service (PET) Legal Advisor Lykke Sorensen reviewed for us the status of the Roj-TV investigation May 20, highlighting the case's long history and ongoing challenges. The initial focus, they recalled, had been to investigate Turkish complaints based on Roj-TV's broadcasting content. Twice the Danish Radio and Television Board has ruled on the matter,

concluding -- after reviewing television footage provided by Turkish authorities -- that Roj-TV's programming did not incite hatred, violence or otherwise corrupt minors, as alleged by Turkey. Rather, the Danish board ruled, most recently in May 2007, that Roj-TV's broadcasts resemble those of other news organizations covering violence and terrorist acts. Sorensen noted that, otherwise, sanctions could be similarly applied to any news outlet that covered, for example, terrorist bombings in Iraq or news of the latest al-Qaeda statement. Nilas noted that the recent German court decision suspending the ban on Roj-TV there made it that much more difficult to argue against the station on content.

¶4. (S) Denmark's criminal investigation of Roj-TV has focused, meanwhile, on establishing institutional links between the station and the PKK, especially on the financial side. Despite the Danish police's and tax authorities' own efforts, intelligence provided by the Turks and us, interdictions of suspected couriers and stepped-up cooperation with EU partners (Nilas mentioned the Belgians, Germans and French through EUROJUST), no clear evidence has been found to connect the broadcaster with the PKK. Roj-TV has learned to be very careful over the years, evincing an open and cooperative attitude toward occasional -- and fruitless -- reviews of their books. Sorensen noted that Danish authorities aren't even certain which way the money flows are supposed to be going -- is Roj-TV financing the PKK, or is it the other way around?

Communication with Turks Improving, but Expectations Differ  
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¶5. (C) The Danes suggest that progress in the Roj-TV case has

been hampered by conceptual differences with the Turks (e.g., misunderstandings about what constitutes protected speech, legal restraints on government action) and by what the Danes perceive as lack of communication among Turkish officials. Nilas reported that her discussions in April had been positive, and she felt that she had made progress in explaining to the Turks what specific evidence is needed to advance the case in Denmark. For successful prosecution in Denmark, the state needs to show actual incitement to acts of terror, and not simply news or editorializing, she explained. Sorensen reported that the Danes continue to work directly and through their liaison officer in Ankara to break through the stovepiping in Turkish law enforcement, but communication remains a challenge.

¶6. (C) We see that the Danes and the Turks are sometimes talking past each other, or at least speaking based on greatly differing expectations. Senior Danish officials seemed caught by surprise last month when we told them that the Turks felt let down by Denmark's post-Strasbourg actions; former PM Rasmussen even suggested that he and Turkish PM Erdogan had put the issue entirely behind them. Similarly, Prosecutor Nilas could not be optimistic about taking Roj-TV to court, refusing to speculate on a time frame, while the Turkish embassy here told us they were "certain" that prosecution would begin within months -- supposedly based on their discussions with Nilas and the police.

"New Angles," Warm Welcome for U.S. Team  
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¶7. (S) Nilas and Sorensen told us that the Danish authorities are looking at "new angles" in the investigation and would be ready to discuss these in more detail if and when another U.S. interagency team visits Copenhagen, ideally sooner rather than later. Sorensen suggested that she preferred to limit these "new angles" to intelligence channels for the time being, but she may have been referring to an informant the police are supposedly working with, about which we have heard some vague reports. Sorensen suggested that the Danish government may make another run at Roj-TV on tax issues, both in terms of possible evasion of payments and terror finance.

¶8. (S) Sorensen brought up another avenue that has not yet been explored, and that is to demonstrate that the broadcaster is consistently one-sided in its presentation of information. Though not a criminal offense, such a finding by the Danish Radio and TV Board could result in revocation of the station's license. Sorensen did not elaborate on how this might be established or whether it has ever been done before.

¶9. (S) Nilas and Sorensen were enthusiastic about a possible visit by U.S. counterterrorism officials, indicating that they are eager to discuss strategy and review efforts to improve coordination with Turkey. Both recognized that new, "smoking-gun" information on Roj-TV's PKK connections was unlikely, but they said they would be grateful -- as always -- for any U.S. intelligence that could help the prosecution.

Comment

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¶10. (S) We are convinced that the Danes would welcome an opportunity to take action against Roj-TV and rid themselves of this issue once and for all. We are equally certain, however, that they will not move without some new evidence or approach that can shield them against charges of trading principle for the former prime minister's career. Danish officials are committed to reinvigorated efforts to close the station, to renewed trilateral cooperation with us and the Turks, but in strict accordance with Danish law. Rasmussen and his former government maintain that President Obama personally indicated understanding for this position at Strasbourg, acknowledging the high political costs of an abrupt, unjustified reversal. We recommend that we -- beginning with the upcoming visit of the S/CT-led delegation to Copenhagen -- engage the Danes early to review possible new lines of approach and encourage them to think creatively about ways to disrupt or close the station, should criminal prosecution prove unachievable in the short term.

MCCULLEY